

III. REMARKS

Claims 1-3 and 5-6 are pending in this application. By this amendment, claim 1 has been amended and claim 6 has been canceled. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the Office. Applicants do not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-3, 5, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-3, 5, & 6 are rejected under 35 U.S.C. 101. Claims 1-3, 5, & 6 are rejected under 103(a) as being unpatentable over Cappellucci et al. (US 2003/0039949 A1), hereinafter known as Cappellucci, in view of Advanced Distributed Learning. ADL SCORM Version 1.3 Application Profile, Working Draft 0.9 [2002-11-27], hereinafter known as Advanced Distributed Learning.

With respect to the rejection of claims 1-3, 5 and 6 under 35 U.S.C. 112, second paragraph, Applicants have amended claim 1 to better clarify the claims. Accordingly, Applicants respectfully request that this rejection be withdrawn.

With respect to the rejection of claims 1-3, 5, & 6 under 35 U.S.C. 101, Applicants respectfully disagree with the Office's interpretation of the claimed subject matter.

As the Office states, the steps of performing an information rollup and generating a control block in claim 1 are explicitly claimed as performed using at least one computer device. As such, one cannot perform the steps of claim 1 as “purely abstract mental steps.” As such, Applicants respectfully submit that the claimed invention qualifies as patentable subject matter as being directed to a process that is tied to a particular machine or apparatus. For example, the claimed invention uses at least one a computer device to perform the steps of performing an information rollup and generating a control block. As such, Applicants respectfully request that this rejection be withdrawn.

With respect to the 35 U.S.C. 103(a) rejection of claims 1-3, 5 and 6, Applicants respectfully submit that the references cited by the Office fail to teach each and every element of the claimed inventions.

For example, with respect to claim 1, the cited references fail to teach or suggest “performing an information rollup, using at least one computer device, of the parent node only after performing the information rollup of the first child node and the information rollup of the second child node, eliminating repeated rollups of the parent node.” In contrast, neither Cappellucci nor ADL, cited by the Office, teaches eliminating repeated rollups of the parent node. The Office argues that the linking of information in a table in Cappellucci, i.e., the correlation query, is equivalent to the information rollup of the claimed invention. (Office Action, p. 4-5). The Office then states that because Cappellucci searches for child nodes then sibling nodes, repeated rollups of a parent node are eliminated, as required by the claimed invention. (Office Action, p. 4). Applicants respectfully disagree with this argument. First, the correlation query of Cappellucci is not equivalent to the information rollups of the claimed

invention. Secondly, Cappellucci does not teach a method wherein a parent node is only rolled up after first and second child nodes are rolled up. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Moreover, neither of the cited references teaches or suggests “generating a control block, using at least one computer device, for each of the first child node, the second child node and the parent node prior to the first performing step, wherein the control block for the parent node indicates that the information rollup of the first child node and the information rollup of second child node must both be performed prior to performing the information rollup of the parent node” as in claim 1. The Office cites to the meta data that populates the database in Cappellucci for disclosure of this element. Office Action, p. 4. However, this population of meta data is not equivalent to the control blocks of the claimed invention, which are generated for each of the first child node, the second child node, and the parent node, prior to the first performing step. In contrast to the meta data of Cappellucci, the control blocks of the claimed invention indicate that the information rollup of the first child node and the second child node must be performed prior to performing the information rollup of the parent node. Accordingly, Applicants respectfully request that the rejection be withdrawn.

With regard to the Office’s other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to claim 1. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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